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SUBJECT: WIPO and EU Presidency Issues

¶1. SUMMARY: Miguel Angel Vecino, Counselor from the Spanish Mission in Geneva, Switzerland, met on January 13 with IP Attach???? Lashley-Johnson to discuss EU presidency issues in the World Intellectual Property Organization (WIPO). Spain now holds the EU presidency until July 2010, and Mr. Vecino focused his discussion on a proposal to create a new EU coordinating role in WIPO. Comments from USPTO and Main State are welcomed. END SUMMARY.

¶2. In the meeting, Mr. Vecino inquired whether the U.S would support the creation of an additional regional coordinating role within Group B (industrialized countries) for the EU presidency. He noted that this proposal addresses important issues for Spain, such as the need to increase their visibility in WIPO on behalf of the EU presidency and to increase Group B (developed countries) participation in regional group coordination meetings, which are generally attended only by the Chair of each regional group. He added that developing countries have at least four regional groups and their anti-IP demands concerning substantive and procedural issues in regional group consultations are growing and are impacting WIPO through the increased hiring of staff from countries that have directly challenged Group B positions. Mr. Vecino noted that an extra voice from another Group B representative at these consultations would improve Group B's negotiating position.

¶3. IP Attach???? Lashley-Johnson replied that while WIPO committee chairs have excluded non-chairing Members States from consultations where agreement in a committee has been elusive, there already exists the opportunity for "interested" delegations to attend these meetings. On several occasions, upon request, delegations from the US and EU Member States have participated in regional group consultations. Moreover, she noted concern with respect of creating a new structure within Group B that may weaken coordination efforts. In response, Mr. Vecino indicated that in accordance with the Lisbon Treaty, which took effect on December 1, 2009, the European Commission (now called the European Council) is the new permanent EU presidency. He added that while the presidency will be bound by consensus-based decisions of the 27 EU Member States, Brussels will be more influential and control policy and legal decisions concerning WIPO matters. (Note: In contrast, before Lisbon, each EU Member State in WIPO could take independent action/decision making, which provided the U.S. and other non-EU countries greater traction on WIPO issues. End note). IP Attach???? Lashley-Johnson voiced concern about creating a new, official coordinating role for Brussels and indicated that she will seek advice from Washington.

¶4. Mr. Vecino intends to raise the issue of a new coordinating role for the EU presidency with the current chair of Group B, which is Switzerland. A meeting will likely be scheduled with delegations during the week of January 25 at WIPO when the Standing Committee on Patents convenes.

¶5. COMMENT: Our concerns about Spain's proposal stem largely from the fact that in areas where the EU does speak with one voice-at the World Trade Organization (WTO), for example-the U.S. is

frequently on opposing sides, and moreover has lost traction in dealing with EU allies on a bilateral basis. Creating a new structure that would have the potential to pit the U.S. against the EU in WIPO would be undesirable and could hamper U.S. WIPO interests. Guidance from Washington on the creation of an official EU regional coordinating group within Group B would be appreciated, particularly before January 25, 2010. END COMMENT.  
RICHTER